



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 24, 2011

Ms. Suzanne B. Herron, P.E., CPESC
Director
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street, Suite 900
Nashville, TN 37243

SUBJECT: Dickson Southwest Bypass SR-1(US 70) west of Dickson, to SR-26 and I-40
Dickson County, Tennessee

Dear Ms. Herron,

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Draft Environmental Impact Statement (EIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2) (C) of the National Environmental Policy Act (NEPA). The U.S. Department of Transportation, Federal Highway Administration and Tennessee Department of Transportation propose to improve the Dickson Southwest Bypass SR-1(US 70) west of Dickson, to SR-26 and I-40 Dickson County, Tennessee. The 1998 Dickson Urban Transportation Study of Existing Conditions identified a need to reduce traffic congestion in downtown Dickson. Ten additional studies were conducted from 1999 to 2009. The proposed project purposes to improve mobility around the city of Dickson, improve access to I-40 and to SR-1 while lessening traffic congestion in the core urban areas of the city of Dickson. This project as proposed would also increase highway safety and support economic development.

The alternatives considered include one No Build Alternative and six Build Alternatives (1, 2A, 2C, 1&2A, 1&2C and TSM). The No-Build Alternative includes routine maintenance. No substantial changes would be conducted under this alternative. The Build Alternative 1 increases the length of the northern terminus of the interchange by 1.5 miles and increases access to the airport. Build Alternative 2A would result in little change compared to the existing route and stays within the city of Dickson. Build Alternative 2C also provides little change when compared to the existing route. The Alternative 1&2A and Alternative 1&2C are presented as combination alternatives; both promote economic development and improved access to undeveloped land.

Based on our review of the Draft EIS, EPA's environmental concerns are associated with impacts as follows:

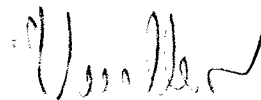
- Impacts to water resources
- Environmental Justice (EJ) issues impacts associated the Eno community
- EJ community input from field personal field surveys

Water resource mitigation should be reflected in each of the alternatives. The report should identify mitigation banks and in-lieu-fee programs that are acceptable to state and federal regulatory agencies. All field surveys of water resources should be provided in the appendix of the report with supporting documentation of the field report(s) conclusions.

EJ issues associated with the Eno community include the fact that all of the alternatives impact this community. TDOT has not established how other communities will be equally impacted from the impacts of this project. The adverse impact seems to be more associated with the communities in the north including the Eno community. Impacts conclusions of this project are based on demographic data. EPA believes this process is flawed because it does not include personal field interviews with the people of the northern communities including the Eno community.

For the reasons stated above EPA is rating this project Environmental Concerns 2 (EC-2). We appreciate the opportunity to review the proposed action. Please contact Larry Long at (404) 562-9460 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heinz J. Mueller', with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures

Environmental Protection Agency comments for:
Dickson Southwest Bypass SR-1(US70) west of Dickson to
SR-46 and/or I-40 south of Dickson
Dickson County, Tennessee

EPA appreciates the efforts that went into the formatting of this DEIS. For the most part the format lends to a better understanding of the issues addressed in the report. We recommend that this format be used for future EIS projects. EPA's comments on the project are as follows:

Water Resource Impacts:

Mitigation for each alternative should demonstrate the amount and type of mitigation needed. A matrix should be constructed demonstrating the water resource impact to each alternative. Table 3.20 provides a good start on the matrix but should also have a column for mitigation requirement, it may be assumed that the ratio for mitigation would be 2 to 1, however state and local agencies may have higher requirements and these should be addressed in this table. The table should also have a column that addresses the cost associated with mitigation for each alternative. There should be a discussion of the type of mitigation (in-kind and banks). If mitigation is proposed for using a mitigation bank the bank should be identified with its location provided relative to the project within the watershed. If mitigation is to be performed outside the project watershed there should be a clear statement as to why this is necessary.

3.10.2.7.1 & 3.10.2.7.2 sections discuss mitigation as a future event. To streamline the process we suggest that mitigation banks and in-lieu-fee programs is approved by the Army Corps of Engineers in advance of the permitting process. If the Harpeth Wetland Mitigation Bank has Corps approval the paragraph should state such and provide information to determine the amount of credits within the bank that will be available upon on the completion of the project.

3.10.2.2 states that field surveys were conducted during the spring of 2009. A copy of the field survey should be make accessible or in the appendix of the DEIS. The name and qualification of the individuals conducting the survey should also be made accessible for regulatory agencies and the public.

Figure 3.16 is a map demonstrating the locations of water bodies within the general area of the alternatives; note that all of the alternatives have potential impact to water bodies in this area. To streamline the process TDOT should commit to an early stream jurisdictional determination conducted by the Army Corps of Engineers and TDEC. This early consultation will provide for a more streamlined permitting process and better serve to identify mitigation requirements.

EJ Impacts:

EPA applauds the use of the EJview tool, however the EJview tool is but one tool in the NEPAassist tool box. EJview is used for mapping of EJ concerns while use of the entire EJassist tool provides a more in-depth analysis of the affected communities. *NEPAassist* is an easy to use web-based mapping and analytical application that draws environmental data dynamically from EPA's Geographic Information System databases. The application allows users to identify and understand environmental constraint surrounding federal projects and helps agencies review and

prepare more effective and efficient environmental scoping documents, environmental assessment, environmental impacts statements. It also helps to document and organize project-related information. These features contribute to a streamlined review process that potentially raises important environmental and socioeconomic issues at the earliest stages of project development. In addition to providing a preliminary environmental assessment of a project's potential environmental impacts, the tool has the capacity to help to provide scoping information related to project area demographic, economic and societal information. This tool is not intended to replace ground-truthing.

Figure 3.10 EPA-EJView Percent Poverty is confusing as to the grouping of the brown dots. We assume that the figure is an attempt to display the poverty levels of the communities in association with the alternatives for this project. By making all of the dots the same color it is very difficult to differentiate the dots-groups. EPA recommends that the different groupings be different colors as well.

3.5.4.2 EPA EJVIEW-Minority, EPA agrees with the conclusion that the northern areas of the project have a higher percentage of minority communities, however the report should go further and discuss what mitigation measures will be implemented to address the impacts to these communities.

3.5.11 Conclusion, Page 3.37, EPA disagrees with the conclusion that “[B]ased on the census data gathered, the potential residential displacements are comprised of a mixture of income levels and are located within block groups with both minority and non-minority populations. Therefore, there would be no disproportionate adverse impact on minority or low income populations.” EPA believes this conclusion to be flawed because it is based solely on the census data and does not include field interviews with the communities and public input from all of the potentially impacted communities that were identified as low income. The census data is but one variable in the equation of EJ community impacts, and therefore this is an incomplete conclusion.